

U.S.S.N. 10/007,197
Filed: December 4, 2001
AMENDMENT

In the Claims

Please cancel claim 12.

B1 13. (amended) The composition of claim 1 wherein the polyvalent metal ion is calcium or magnesium.

B2 24. (twice amended) A method for making a composition for treating a patient to prevent or treat mucositis comprising

formulating an effective amount to prevent or treat mucositis of a tetracycline in the form of a polyvalent metal ion complex which has less than 10% bioavailability when orally administered in a carrier for topical administration to the mucosa.

Remarks

Claims 1-11 and 13 - 24 are pending. A copy of the claims as pending is attached in an appendix. Claim 12 was cancelled as not further limiting the claim from which it depends. Claim 13 was amended to correct dependency in view of the cancellation of claim 12. Claim 24 was amended as discussed below.

Also enclosed is a copy of claims 1-14 as pending in U.S.S.N. 09/661,836, and a copy of claims 15-23 as pending in U.S.S.N. 09/815,762.

Rejection Under 35 U.S.C. § 101

Claims 1-14 were rejected under 35 U.S.C. 101 as claiming the same invention as claims 1-14 of U.S.S.N. 09/661,836. Claims 15-23 were provisionally rejected under 35 U.S.C. 101 as claiming the same invention as claims 15-23 of U.S.S.N. 09/815,762. Applicants respectfully traverse these rejections.